

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAKRISTIN HOFFMAN,
Plaintiff,

v.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, et al.,
Defendants.

Case No. 24-cv-04104-NC

**ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
DISMISSED WITHOUT
PREJUDICE AS DUPLICATIVE**

Re: ECF 1

Self-represented Plaintiff Kristin Hoffman filed a complaint on July 8, 2024, that contains the same allegations against the same defendants as in a separate case she already has before the Court. Her allegations in this complaint are the same as in docket number 24-cv-00623-SVK before Judge Susan van Keulen. In 24-00623, Judge van Keulen dismissed Hoffman's claims with leave to amend "to bring any other claim that she believes in good faith she may assert against Defendants." 24-cv-00623-SVK, ECF 21 at 5 (emphasis in original). Judge van Keulen gave Hoffman until July 12, 2024 to file an amended complaint. This essentially identical complaint was filed on July 8, 2024.

"Plaintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant." *Mendoza v. Amalgamated Transit Union Int'l*, 30 F.4th 879, 886 (9th Cir.) (quotation marks omitted). Having multiple identical cases is not efficient for the parties or the Court and risks creating inconsistencies.

1 If Hoffman meant to file an amended complaint in 24-cv-00623-SVK, she must file
2 it in that docket. The Federal Pro Se Program at the San Jose Courthouse is a helpful
3 resource for understanding the rules that apply to court filings and how to comply with
4 them. **Because Hoffman is representing herself, Hoffman may seek help from the**
5 **Federal Pro Se Program, which provides free information and limited-scope legal**
6 **advice.** The Program is available by phone appointment at (408) 297-1480. Online
7 resources are also available on the Court's webpage ([https://www.cand.uscourts.gov/pro-](https://www.cand.uscourts.gov/pro-se-litigants/)
8 [se-litigants/](https://www.cand.uscourts.gov/pro-se-litigants/)).

9 If Hoffman intended to challenge Judge van Keulen's decision in 24-cv-00623-
10 SVK, the proper method for that is appeal because a party cannot relitigate claims that
11 have already been decided. *Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398
12 (1981) ("A final judgment on the merits of an action precludes the parties or their privies
13 from relitigating issues that were or could have been raised in that action."). How to begin
14 the appeal process is another area the Pro Se Program could help explain.

15 Because the complaint in this case contains the same allegations and defendants as
16 another case filed with the Court, Hoffman must respond in writing by Friday, July 19,
17 2024, explaining why this case is different and should not be dismissed. The Court may
18 dismiss this case without prejudice if Hoffman does not respond.

19 **IT IS SO ORDERED.**

20
21 Dated: July 9, 2024



NATHANAEL M. COUSINS
United States Magistrate Judge